



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: April 14, 2021

ACTION: Notice of Intent to Amend Poultry Inspection – Poultry Processing Rules

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 50-13-4 and O.C.G.A. § 26-2-202, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding proposed amendments to its Poultry Inspection – Poultry Processing Rules. The Department will be accepting written comments from April 14, 2021, to close of business (4:30 p.m. ET) on May 14, 2021.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

The Department is proposing to amend Rule 40-10-2-.02. entitled “Incorporation by Reference: Code of Federal Regulations, 9 CFR Part 381 - Federal Poultry Inspection Regulations” by cleaning up definitions. The proposed amended Rule would also add a new paragraph 40-10-2-.02(3) which would clarify that nothing in Subject 40-10-2 shall be construed as authorizing the slaughter, other than for humane euthanasia or disease control, of poultry by a dealer, broker, poultry market operator, or employee or contractor thereof or any person acquiring live poultry from any of them on the premises of the dealer or broker or on the premises of a sales establishment in violation of Official Code of Georgia Annotated Section 4-4-82.1.

The Department is proposing to amend Rule 40-10-2-.03. entitled “Deletion of Incorporated Sections: Code of Federal Regulations, 9 CFR 381 - Federal Poultry Inspection Regulations” by removing references to 9 CFR 381.10(a)(5) and 381.10(b) in paragraph 40-10-2-.03(1).

The Department is proposing to amend Rule 40-10-2-.04. entitled “Incorporation as Amended; Federal Poultry Inspection Regulations Sections” to provide for amended incorporation of 9 CFR 381.10(b). Specifically, proposed new paragraph 40-10-2-.04(1) would provide that Code of Federal Regulations 9 CFR 381.10(b) shall be amended to read “[n]o person qualifies for any exemption specified in paragraph (a)(5) of this section if, in the current calendar year, such person (1) Slaughters or processes the products of more than 20,000 poultry, or (2) Slaughters or processes poultry products at a facility used for slaughtering or processing poultry products by any other person, except when the Commissioner grants such exemption after determining, upon review of a person's application, that such an exemption will not impair effectuating the purposes of the Act.”

The Department is proposing to amend Rule 40-10-2-.06. entitled “Facilities Requiring Inspection”. Specifically, subparagraph 40-10-2-.06(1)(a)1 would be amended on provide that inspection shall be required at every establishment except as provided in 9 CFR Chapter 381.10(a)(1) and (5). The proposed Rule would also remove current subparagraph 40-10-2-.06(1)(a)2. Additionally, the proposed Rule would add new paragraph 40-10-2-.06(3) which would provide that establishments qualifying for a low volume exemption from inspection must register with the Department as a Small Poultry Processor and pay any applicable registration fees.

Likewise, the proposed Rule would add new paragraph 40-10-2-.06(4) which would provide that establishments qualifying for a low volume exemption from inspection must comply with all other applicable statutory and regulatory requirements.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from April 14, 2021, to close of business (4:30 p.m. ET) on May 14, 2021. Comments will be considered on May 17, 2021. Please submit written comments to:

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Interested persons may call or submit a written request to obtain a copy of the proposed rule repeal. A copy of the synopsis and the proposed rule repeal may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.